

Water Quality Standards Advisory Committee

Minutes of November 8, 2000

9:00 am – 12:00 pm

Room 111-112

Members present:

John Hodson	NH Farm Bureau
Marjory Swope	NH Association of Conservation Commissions
Vernon Lang	US Fish and Wildlife Service
Eileen Miller	NH Association of Conservation Districts
Carol Henderson	NH Fish and Game Department
Michael P. Donahue	Business and Industry Association of NH
Carl Paulsen	NH Rivers Council
Steve Clifton	Consulting Engineers of NH
Wendell Berry	NH Lakes Association
Francesca Latawiec	NH Office of State Planning
Bill Beckwith	US Environmental Protection Agency
Eric Darbe	NH Timberland Owners Association

Members absent:

Donna Hanscom	NH Water Pollution Control Association
Nancy Girard	Conservation Law Foundation

Interested participants present:

Robert Olson	Attorney
Timothy Fortier	McLane, Graf, Raulerson & Middleton Professional Assoc.
Andrew Serell	Rath, Young & Pignatelli Professional Association
Jim Donison	City of Portsmouth

Staff present:

Paul Currier	DES
George Berlandi	DES
Gregg Comstock	DES
Bob Estabrook	DES
Judy Reid	DES

1. Introduction

The meeting was called to order shortly after 9:00 by Paul Currier. Members and interested participants introduced themselves and agendas, membership lists and water quality rules were distributed. Paul explained that the purpose of the committee was to

act in an advisory role to assist the department in formulating policy and drafting revised water quality regulations. The proposed concept is that the Department of Environmental Services (DES) or a committee member identifies a water quality issue, DES writes a 'strawman' paper on the issues, the committee discusses and edits the paper, and a workgroup is established to develop a final position paper and draft rule language. The workgroups may have membership outside the committee by invitation of individuals with expertise or direct interest.

2. Committee structure

Much discussion took place concerning the composition and operation of the committee. It was proposed and agreed that there be a delay in the election of a chairman and vice chairman until the members could get to know one another better. Margery Swope agreed to be acting chairman ('just run the meeting') until a chairman is elected. Mike Donahue agreed to consider the role of acting vice chairman.

Concern was expressed that the committee was over-weighted with environmental groups. Paul explained that (1) the committee is advisory, (2) all sides of an issue will be listened to and minority reports can be written, (3) workgroups will be established so that individuals with a strong interest in a particular issue can participate, and (4) the goal was to obtain a wide range of interests on the committee without making it too large to be effective. After much discussion, DES agreed to contact and invite the following groups to participate on the committee.

DES Water Council
NH Travel Council
University of New Hampshire
NH Water Works Association
NH Municipal Association
Public Health official
An environmental group to replace the NH Wildlife Federation

ACTION ITEM: DES will contact the above groups prior to the next meeting.

3. Issues

Paul Currier listed water quality related issues that DES staff are working on currently:

- numerical biocriteria for fish and macroinvertebrates in wadeable streams
- numerical nutrient criteria for lakes and rivers
- revision of the 305(b)/303(d) assessment process
- methodology for listing impaired waters for 303(d) and TMDL requirements
- water quality issues related to water transfers

- mercury
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Issues brought up by the committee or by interested participants were:

- Andrew Serell – flow-based permits
- Vernon Lang – temperature criteria
- designation of warmwater/coldwater waterbodies
- Jim Donison – interbasin transfer of water

A discussion ensued concerning the relationship among this committee, instream flow rules and the Senate Bill 330 study committee. Paul explained that there are narrative criteria in the standards for water quantity, and that the instream flow provisions of the Rivers Management and Protection Act are separate from the water quality criteria, although related. It was suggested and agreed that this committee will await the senate/house process on SB 330 before addressing any issues related to stream flow. This led to a discussion of the timing of the committee – why now. Bill Beckwith explained that EPA was relatively satisfied with the existing rules and was not pushing DES to work on revisions at this time. Paul explained that the committee was created at this time to provide ample opportunity for public input on a variety of water quality issues.

ACTION ITEM: DES will develop a position paper on flow-based permits prior to the next meeting.

4. Mercury

Gregg Comstock distributed and briefly discussed a paper on mercury. He explained why DES was concerned with the existing mercury standard, that the standard was based on existing EPA recommended criteria, and that the more stringent standards in other New England states were based on older EPA recommendations.

Bill Beckwith explained that the earlier, more stringent standard, was an attempt to include both bioaccumulation and toxicity issues in one standard. The newer standard is for toxicity only. A standard for bioaccumulation effects is not available at this time.

A request was made that all position papers be distributed to committee members well in advance of the meetings to provide opportunity for review and comment by other staff or constituents of the member. Gregg explained that this was not a position paper; the intent was to present the existing situation relative to New Hampshire's mercury standard. A position paper will be developed for the next meeting.

A request was also made that educational materials concerning the mercury issue be provided to committee members, particularly materials that would be of interest to the business community. The fact that New Hampshire was currently participating in a joint

project with Vermont to look at mercury concentrations in lake sediments, water, zooplankton, fish and loons or other piscivorous birds was brought up and briefly discussed. It was suggested that a presentation on this project at the next meeting would be beneficial in helping to inform the committee on the mercury issue.

ACTION ITEMS:

1. DES will provide informational material on the mercury issue to the committee, primarily via the internet to avoid excessive paper use.
2. DES will contact Neil Kamman, the principal investigator of the joint VT/NH mercury project, and request that he make a presentation about the study at the next meeting.
3. DES will develop a position paper for mercury for the next meeting.

5. Conclusion

The next meeting will be held on Wednesday, January 24, 2001 at the DES 6 Hazen Drive, Concord, N.H. from 9:00 am to 12:00 pm in Room 212-213.

The meeting was adjourned shortly before 12:00.